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FILED  
FORWARD BY ELECTRONIC  
CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SCOTT N. SCHOOLS (SBN SC 9990)  
United States Attorney  
JOANN M. SWANSON (CSBN 88143)  
Assistant United States Attorney  
Chief, Civil Division  
JONATHAN U. LEE (CSBN 148792 )  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, CA 94102-3495  
Telephone: (415) 436-6909  
Facsimile: (415) 436-6748  
Email: jonathan.lee@usdoj.gov

E-filing

Attorneys for Federal Defendant  
United States Postal Service

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

EDL

DAVID McKEW,

Plaintiff,

v.

SAN FRANCISCO MUNICIPAL  
RAILWAY; UNITED STATES POSTAL  
SERVICE; MELVIN WASHINGTON,

Defendant.

Case 07-3620

NOTICE OF REMOVAL

TO: Clerk, Superior Court of California  
County of San Francisco  
400 McAllister Street, Rm. 103  
San Francisco, California 94102-3680

Philip A. Segal, Esq.  
Kern, Noda, Devine & Segal  
1388 Sutter Street, Suite 600  
San Francisco, California 94109

Office of the City Attorney  
City Hall, Room 231  
San Francisco, CA 94102

//

//

NOTICE OF REMOVAL  
McKew v. SF Municipal Railway, et al.

PLEASE TAKE NOTICE that on this day Case No. CGC 07-463816 pending in the San Francisco County Superior Court, is being removed to the United States District Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1339, 1441(a), 1441(e), 1442(a)(1), and 39 U.S.C. § 409(a) on behalf of federal defendants United States Postal Service. Upon direction by the Attorney General of the United States, the undersigned attorneys hereby present the following facts to the Judges of the United States District Court for the Northern District of California.

1. On May 30, 2007, plaintiff David McKew filed a complaint for Personal Injury action against San Francisco Municipal Railway; United States Postal Service; Melvin Washington and Does 1 to 30.

2. Plaintiff seeks \$1,050,000.00 in damages from Defendants as a result of a motor vehicle accident.

3. On June 14, 2007, the United States Attorney's Office received copies of the summons and complaint, which are attached as Exhibit A pursuant to 28 U.S.C. § 1446(a), and which constitute the only process or pleading which have been received. There has been no trial in this action.

4. This action is one which must be removed to the district court for the reason that the plaintiff seeks judgment for damages resulting from the allegedly negligent operation of a motor vehicle by a federal employee. Original jurisdiction lies in a federal forum under 28 U.S.C. § 1331 (civil actions arising under the Constitution, laws or treaties of the United States), 28 U.S.C. § 1339 and 39 U.S.C. § 409(a) (civil actions against the Postal Service), and the Federal Tort Claims Act, 28 U.S.C. §§ 1346, 2671, et seq.

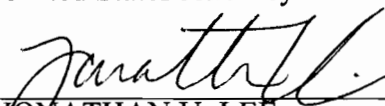
5. A copy of this Notice is being filed with the Clerk of the Superior Court, San Francisco County. That filing will automatically effect the removal of the action in its entirety to this Court for all future proceedings.

Respectfully submitted,

SCOTT N. SCHOOLS  
United States Attorney

Dated: July 11, 2007

By:

  
JONATHAN U. LEE  
Assistant United States Attorney

# **EXHIBIT A**

SUM-100

# SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):

SAN FRANCISCO MUNICIPAL RAILWAY; UNITED STATES POSTAL  
SERVICE; MELVIN WASHINGTON; DOE 1 TO 30

YOU ARE BEING SUED BY PLAINTIFF:  
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

DAVID MCKEW

FOR COURT USE ONLY  
(SOLO PARA USO DE LA CORTE)

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form. If you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://www.courtinfo.ca.gov/selfhelp/espanol/)) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:  
(El nombre y dirección de la corte es):

San Francisco Superior Court  
400 McAllister Street  
San Francisco, CA 94102

CASE NUMBER  
(Número de caso): **07-463816**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Philip A. Segal, Esq. (SBN 137633)

Tel: (415) 474-1900

Kern, Noda, Devine & Segal, 1388 Sutter Street, Suite 600, San Francisco, CA 94109

Fax: (415) 474-0302

DATE: **MAY 30 2007**  
(Fecha)

Clerk, by Deborah Stepp, Deputy  
(Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

## NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☐ on behalf of (specify):

- |  |   |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation)         | <input type="checkbox"/> CCP 416.60 (minor)             |
| <input type="checkbox"/> CCP 416.20 (defunct corporation)        | <input type="checkbox"/> CCP 416.70 (conservatee)       |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify):                        |   |

- ☐ by personal delivery on (date):

EXHIBIT

A



CM-010

EMERGED  
FILED  
SAN FRANCISCO SUPERIOR COURT

2007 MAY 30 PM 1:53

JORDON PARK - LI. CLERK  
Deborah Steppe  
DEPUTY CLERK

ATTOYNE OR PARTY WITHOUT ATTOYNE (Name, State Bar number, and address):  
Philip A. Segal, Esq. (SBN 137633)  
Kern, Noda, Devine & Segal  
1388 Sutter Street, Suite 600  
San Francisco, CA 94109  
TELEPHONE NO.: (415) 474-1900 FAX NO.: (415) 474-0302  
ATTOYNE FOR (Name): Plaintiff, DAVID MCKEW

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO  
STREET ADDRESS: 400 McAllister Street  
MAILING ADDRESS:  
CITY AND ZIP CODE: San Francisco, CA 94102  
BRANCH NAME:

CASE NAME:  
DAVID MCKEW v. SAN FRANCISCO MUNICIPAL RAILWAY, et al.

**CIVIL CASE COVER SHEET**

☒ Unlimited (Amount demanded exceeds \$25,000) ☐ Limited (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
☐ Counter ☐ Joinder  
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:  
**CGC-07-463816**

JUDGE:  
DEPT:

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

**Auto Tort**  
☒ Auto (22)  
☐ Uninsured motorist (46)

**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**  
☐ Asbestos (04)  
☐ Product liability (24)  
☐ Medical malpractice (45)  
☐ Other PI/PD/WD (23)

**Non-PI/PD/WD (Other) Tort**  
☐ Business tort/unfair business practice (07)  
☐ Civil rights (08)  
☐ Defamation (13)  
☐ Fraud (16)  
☐ Intellectual property (19)  
☐ Professional negligence (25)  
☐ Other non-PI/PD/WD tort (35)

**Employment**  
☐ Wrongful termination (36)  
☐ Other employment (15)

**Contract**  
☐ Breach of contract/warranty (06)  
☐ Collections (09)  
☐ Insurance coverage (18)  
☐ Other contract (37)

**Real Property**  
☐ Eminent domain/Inverse condemnation (14)  
☐ Wrongful eviction (33)  
☐ Other real property (26)

**Unlawful Detainer**  
☐ Commercial (31)  
☐ Residential (32)  
☐ Drugs (38)

**Judicial Review**  
☐ Asset forfeiture (05)  
☐ Petition re: arbitration award (11)  
☐ Writ of mandate (02)  
☐ Other judicial review (39)

**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)**  
☐ Antitrust/Trade regulation (03)  
☐ Construction defect (10)  
☐ Mass tort (40)  
☐ Securities litigation (28)  
☐ Environmental/Toxic tort (30)  
☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

**Enforcement of Judgment**  
☐ Enforcement of judgment (20)

**Miscellaneous Civil Complaint**  
☐ RICO (27)  
☐ Other complaint (not specified above) (42)

**Miscellaneous Civil Petition**  
☐ Partnership and corporate governance (21)  
☐ Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- a. ☐ Large number of separately represented parties d. ☐ Large number of witnesses  
b. ☐ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. ☐ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court  
c. ☐ Substantial amount of documentary evidence f. ☐ Substantial postjudgment judicial supervision
3. Type of remedies sought (check all that apply):  
a. ☒ monetary b. ☐ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): 1
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)  
Date: 5/30/07  
PHILIP A. SEGAL, ESQ.  
(TYPE OR PRINT NAME)
- (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Philip A. Segal, Esq. (SBN 137633) Kern, Noda, Devine & Segal 1388 Sutter Street, Suite 600 San Francisco, CA 94109  TELEPHONE NO: (415) 474-1900 FAX NO. (Optional): (415) 474-0302  E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Plaintiff, DAVID MCKEW		ENDORSED FILED SAN FRANCISCO COUNTY PLD-PI-001 FOR COURT USE ONLY 2007 MAY 30 PM 1:53 GORDON PARK - LL CLERK BY: <u>Deborah Steppe</u> DEPUTY CLERK SUBMITTED TO COURT CASE MANAGEMENT CONFERENCE SET NOV - 2 2007 - 9 <sup>00</sup> AM DEPARTMENT 212
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:		
PLAINTIFF: DAVID MCKEW  DEFENDANT: SAN FRANCISCO MUNICIPAL RAILWAY; UNITED STATES POSTAL SERVICE; MELVIN WASHINGTON;		
<input checked="" type="checkbox"/> DOES 1 TO 30 COMPLAINT—Personal Injury, Property Damage, Wrongful Death <input type="checkbox"/> AMENDED (Number): Type (check all that apply): <input checked="" type="checkbox"/> MOTOR VEHICLE <input type="checkbox"/> OTHER (specify): <input type="checkbox"/> Property Damage <input type="checkbox"/> Wrongful Death <input checked="" type="checkbox"/> Personal Injury <input type="checkbox"/> Other Damages (specify):		
Jurisdiction (check all that apply): <input type="checkbox"/> ACTION IS A LIMITED CIVIL CASE Amount demanded <input type="checkbox"/> does not exceed \$10,000 <input type="checkbox"/> exceeds \$10,000, but does not exceed \$25,000 <input checked="" type="checkbox"/> ACTION IS AN UNLIMITED CIVIL CASE (exceeds \$25,000) <input type="checkbox"/> ACTION IS RECLASSIFIED by this amended complaint <input type="checkbox"/> from limited to unlimited <input type="checkbox"/> from unlimited to limited		CASE NUMBER:  <b>CGC-07-463816</b>

1. Plaintiff (name or names): DAVID MCKEW  
 alleges causes of action against defendant (name or names): SAN FRANCISCO MUNICIPAL RAILWAY; UNITED STATES  
 POSTAL SERVICE; MELVIN WASHINGTON; DOES 1 TO 30
2. This pleading, including attachments and exhibits, consists of the following number of pages: 4
3. Each plaintiff named above is a competent adult
  - a. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):
  - b. ☐ except plaintiff (name):
    - (1) ☐ a corporation qualified to do business in California
    - (2) ☐ an unincorporated entity (describe):
    - (3) ☐ a public entity (describe):
    - (4) ☐ a minor ☐ an adult
      - (a) ☐ for whom a guardian or conservator of the estate or a guardian ad litem has been appointed
      - (b) ☐ other (specify):
    - (5) ☐ other (specify):

☐ Information about additional plaintiffs who are not competent adults is shown in Attachment 3.

PLD-PI-001

SHORT TITLE:

MCKEW v. SAN FRANCISCO MUNICIPAL RAILWAY, et al.

CASE NUMBER:

4. ☐ Plaintiff (name):

is doing business under the fictitious name (specify):

and has complied with the fictitious business name laws.

5. Each defendant named above is a natural person

a. ☒ except defendant (name): San Francisco Municipal c. ☐ except defendant (name):(1) ☐ a business organization, form unknown Railway(1) ☐ a business organization, form unknown(2) ☐ a corporation(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe): Municipal Railway(4) ☐ a public entity (describe):(5) ☐ other (specify):(5) ☐ other (specify):b. ☒ except defendant (name): United States Postald. ☐ except defendant (name):(1) ☐ a business organization, form unknown Service(1) ☐ a business organization, form unknown(2) ☐ a corporation(2) ☐ a corporation(3) ☐ an unincorporated entity (describe):(3) ☐ an unincorporated entity (describe):(4) ☒ a public entity (describe): Postal Service(4) ☐ a public entity (describe):(5) ☐ other (specify):(5) ☐ other (specify):☐ Information about additional defendants who are not natural persons is contained in Attachment 5.

6. The true names of defendants sued as Does are unknown to plaintiff.

a. ☒ Doe defendants (specify Doe numbers): 1 - 20 were the agents or employees of other named defendants and acted within the scope of that agency or employment.b. ☐ Doe defendants (specify Doe numbers): are persons whose capacities are unknown to plaintiff.7. ☐ Defendants who are joined under Code of Civil Procedure section 382 are (names):

3. This court is the proper court because

a. ☐ at least one defendant now resides in its jurisdictional area.b. ☐ the principal place of business of a defendant corporation or unincorporated association is in its jurisdictional area.c. ☒ injury to person or damage to personal property occurred in its jurisdictional area.d. ☐ other (specify):☒ Plaintiff is required to comply with a claims statute, anda. ☒ has complied with applicable claims statutes, orb. ☐ is excused from complying because (specify):

PLD-PI-001

SHORT TITLE:

MCKEW v. SAN FRANCISCO MUNICIPAL RAILWAY, et al.

CASE NUMBER:

10. The following causes of action are attached and the statements above apply to each (*each complaint must have one or more causes of action attached*):

- a. ☒ Motor Vehicle
- b. ☐ General Negligence
- c. ☐ Intentional Tort
- d. ☐ Products Liability
- e. ☐ Premises Liability
- f. ☐ Other (*specify*):

11. Plaintiff has suffered

- a. ☒ wage loss
- b. ☒ loss of use of property
- c. ☒ hospital and medical expenses
- d. ☒ general damage
- e. ☒ property damage
- f. ☒ loss of earning capacity
- g. ☐ other damage (*specify*):

12. ☐ The damages claimed for wrongful death and the relationships of plaintiff to the deceased are

- a. ☐ listed in Attachment 12.
- b. ☐ as follows:

13. The relief sought in this complaint is within the jurisdiction of this court.

14. Plaintiff prays for judgment for costs of suit; for such relief as is fair, just, and equitable; and for

- a. (1) ☒ compensatory damages
- (2) ☐ punitive damages

The amount of damages is (*in cases for personal injury or wrongful death, you must check (1)*):

- (1) ☒ according to proof
- (2) ☐ in the amount of: \$

15. ☐ The paragraphs of this complaint alleged on information and belief are as follows (*specify paragraph numbers*):

Date:

5/3/07  
PHILIP A. SEGAL, ESQ.

(TYPE OR PRINT NAME)

(SIGNATURE OF PLAINTIFF OR ATTORNEY)



PLD-PI-001(1)

SHORT TITLE:

CASE NUMBER:

MCKEW v. SAN FRANCISCO MUNICIPAL RAILWAY, et al.

First  
(number)

## CAUSE OF ACTION—Motor Vehicle

ATTACHMENT TO ☒ Complaint ☐ Cross - Complaint

(Use a separate cause of action form for each cause of action.)

Plaintiff (name): DAVID MCKEW

MV- 1. Plaintiff alleges the acts of defendants were negligent; the acts were the legal (proximate) cause of injuries and damages to plaintiff; the acts occurred  
on (date): September 2, 2006  
at (place): Washington Street between Hyde and Leavenworth, San Francisco, California.

## MV- 2. DEFENDANTS

- a. ☒ The defendants who operated a motor vehicle are (names):  
MELVIN WASHINGTON

☒ Does 1 to 10

- b. ☒ The defendants who employed the persons who operated a motor vehicle in the course of their employment are (names): SAN FRANCISCO MUNICIPAL RAILWAY; UNITED STATES POSTAL SERVICE

☒ Does 11 to 30

- c. ☒ The defendants who owned the motor vehicle which was operated with their permission are (names):  
SAN FRANCISCO MUNICIPAL RAILWAY; UNITED STATES POSTAL SERVICE

☒ Does 11 to 30

- d. ☒ The defendants who entrusted the motor vehicle are (names):  
SAN FRANCISCO MUNICIPAL RAILWAY; UNITED STATES POSTAL SERVICE

☒ Does 11 to 30

- e. ☒ The defendants who were the agents and employees of the other defendants and acted within the scope of the agency were (names):  
SAN FRANCISCO MUNICIPAL RAILWAY; UNITED STATES POSTAL SERVICE; MELVIN WASHINGTON

☒ Does 1 to 30

- f. ☐ The defendants who are liable to plaintiffs for other reasons and the reasons for the liability are  
☐ listed in Attachment MV-2f ☐ as follows:

☐ Does to

Page 4

Page 1 of 1

CIV-050

**- DO NOT FILE WITH THE COURT -**  
**- UNLESS YOU ARE APPLYING FOR A DEFAULT JUDGMENT UNDER CODE OF CIVIL PROCEDURE § 585 -**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): Philip A. Segal, Esq. (137633) Kern, Noda, Devine & Segal 1388 Sutter Street, Suite 600 San Francisco, CA 94109		TELEPHONE NO.: 415-474-1900	FOR COURT USE ONLY          CASE NUMBER: CGC-07-463816
ATTORNEY FOR (name): Plaintiff, DAVID MCKEW			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME:			
PLAINTIFF: DAVID MCKEW DEFENDANT: UNITED STATES POSTAL SERVICE			
STATEMENT OF DAMAGES (Personal Injury or Wrongful Death)			

To (name of one defendant only):

Plaintiff (name of one plaintiff only):

seeks damages in the above-entitled action, as follows:

	AMOUNT
1. <b>General damages</b>	
a. <input checked="" type="checkbox"/> Pain, suffering, and inconvenience .....	\$ 500,000.00
b. <input type="checkbox"/> Emotional distress .....	\$
c. <input type="checkbox"/> Loss of consortium .....	\$
d. <input type="checkbox"/> Loss of society and companionship (wrongful death actions only) .....	\$
e. <input type="checkbox"/> Other (specify) .....	\$
f. <input type="checkbox"/> Other (specify) .....	\$
g. <input type="checkbox"/> Continued on Attachment 1.g.	
2. <b>Special damages</b>	
a. <input checked="" type="checkbox"/> Medical expenses (to date) .....	\$ 100,000.00
b. <input checked="" type="checkbox"/> Future medical expenses (present value) .....	\$ 100,000.00
c. <input checked="" type="checkbox"/> Loss of earnings (to date) .....	\$ 100,000.00
d. <input checked="" type="checkbox"/> Loss of future earning capacity (present value) .....	\$ 250,000.00
e. <input type="checkbox"/> Property damage .....	\$
f. <input type="checkbox"/> Funeral expenses (wrongful death actions only) .....	\$
g. <input type="checkbox"/> Future contributions (present value) (wrongful death actions only) .....	\$
h. <input type="checkbox"/> Value of personal service, advice, or training (wrongful death actions only) .....	\$
i. <input type="checkbox"/> Other (specify) .....	\$
j. <input type="checkbox"/> Other (specify) .....	\$
k. <input type="checkbox"/> Continued on Attachment 2.k.	
3. <input type="checkbox"/> <b>Punitive damages:</b> Plaintiff reserves the right to seek punitive damages in the amount of (specify) \$ .....	
when pursuing a judgment in the suit filed against you.	
Date: 06/13/07	
PHILIP A. SEGAL	
(TYPE OR PRINT NAME)	(SIGNATURE OF PLAINTIFF OR ATTORNEY FOR PLAINTIFF)

(Proof of service on reverse)

Page 1 of 2

CASE NUMBER: CGC-07-465816 DAVID MCKEW VS. SAN FRANCISCO MUNICIPAL RAILWAY

**NOTICE TO PLAINTIFF**

A Case Management Conference is set for

DATE: NOV-02-2007

TIME: 9:00AM

PLACE: Department 212  
400 McAllister Street  
San Francisco, CA 94102-3680

All parties must appear and comply with Local Rule 3.

CRC 3.725 requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference.

However, it would facilitate the issuance of a case management order

**without an appearance** at the case management conference if the case management statement is filed, served and lodged in Department 212 twenty-five (25) days before the case management

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

**ALTERNATIVE DISPUTE RESOLUTION POLICY REQUIREMENTS**

IT IS THE POLICY OF THE SUPERIOR COURT THAT EVERY CIVIL CASE PARTICIPATE IN EITHER MEDIATION, JUDICIAL OR NON-JUDICIAL ARBITRATION, THE EARLY SETTLEMENT PROGRAM OR SOME SUITABLE FORM OF ALTERNATIVE DISPUTE RESOLUTION PRIOR TO A MANDATORY SETTLEMENT CONFERENCE OR TRIAL.  
(SEE LOCAL RULE 4)

Plaintiff must serve a copy of the Alternative Dispute Resolution Information Package on each defendant along with the complaint. All counsel must discuss ADR with clients and opposing counsel and provide clients with a copy of the Alternative Dispute Resolution Information Package prior to filing the Case Management Statement.

**[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]**

Superior Court Alternative Dispute Resolution Coordinator  
400 McAllister Street, Room 103  
San Francisco, CA 94102  
(415) 551-3876

See Local Rules 3.6, 6.0 C and 10 D re stipulation to commissioners acting as temporary judges